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Dated: January 12, 2004

Signature:

Staci Harris
(Staci Harris)

Docket No.: HO-P02077US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rachel L. Allen et al.

Application No.: 09/700,158

Confirmation No.: 2564

Filed: May 11, 1999

Art Unit: 1641

For: NOVEL MOLECULE AND DIAGNOSTIC
METHOD

Examiner: C. J. Cheu

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed December 12, 2003, applicant hereby provisionally elects Group I, claims 1-10, 20-21, 24-25, 27 and 30 for continued examination, with traverse.

The Examiner has required restriction between Groups I (claims 1-10, 20-21, 24-25, 27 and 30) and Groups II-VIII (claims 11-19, 22-23, 26, 28 and 19) as they allegedly lack the same or corresponding special technical features. The Examiner has stated that Group I is directed to a product, i.e., dimer, the process of making it, and the method of using said product. However, the Examiner has stated that Groups II-VIII are directed to different inventions with respect to Group I without special technical features sharing with one another.

According to 37 CFR 1.475 the requirement of unity of invention is fulfilled when there is a technical relationship among the inventions involving one or more special technical features. Such special technical features define the contribution which the inventions make over the prior art. In the present case, the dimer of claim 1 is unknown in the prior art, and thus represents the contribution made by the invention. Cells and transgenic animals which

express the dimer must necessarily have the same special technical feature as the claims of Group I and therefore it is submitted that the claims of Group VI and VII should be joined with Group I.

In addition we draw the Examiner's attention to the fact that claim 23 which has been placed in Group VIII is very similar to claim 27 which has been placed in Group I. Both claims are directed to T cells which bind to the dimer, the only difference being that in the case of claim 23 the dimer which is bound is in the form of a multi-dimer complex. The dimer of claim 1 and the dimer in the form of a complex must share the special technical feature of the dimer of claim 1, and therefore it is submitted that claim 23 should also be joined with the claims of Group I.

Thus, it is respectfully submitted that Groups VI, VII and VIII be rejoined with Group I for continued examination.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. 10025595 from which the undersigned is authorized to draw.

Dated: January 12, 2004

Respectfully submitted,

By 

Melissa W. Acosta

Registration No.: 45,872

FULBRIGHT & JAWORSKI L.L.P.

1301 McKinney, Suite 5100

Houston, Texas 77010-3095

(713) 651-5151

(713) 651-5246 (Fax)